

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON JUNE 22, 2009, WITH THE FOLLOWING MEMBERS PRESENT: EDWIN H. HUMPHREY, PRESIDENT, ROBERT L. PROUD, VICE PRESIDENT, AND R. SCOTT CROSWELL III, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 7:00 P.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

**IN RE: BOARD OF COUNTY COMMISSIONERS...PUBLIC HEARING
RELATIVE TO THE PROPOSED VACATION OF A TEN FOOT (10')
WIDE EASEMENT FOR A FIVE FOOT (5') WALKWAY IN BUXTON
MEADOWS SUBDIVISION/SECTION E IN BATAVIA TOWNSHIP...09-
0424-007**

LET THE RECORD SHOW: THAT COMMISSIONERS EDWIN H. HUMPHREY AND ROBERT L. PROUD, AND CRAIG RISNER, DEPUTY SURVEYOR, CLERMONT COUNTY ENGINEER'S OFFICE, VIEWED A TEN FOOT (10') WIDE EASEMENT FOR A FIVE FOOT (5') WALKWAY IN BUXTON MEADOWS SUBDIVISION/SECTION E IN BATAVIA TOWNSHIP PROPOSED TO BE VACATED ON 06/22/09 AT 11:00 A.M.

LET THE RECORD FURTHER SHOW: THAT COMMISSIONER R. SCOTT CROSWELL III VIEWED THE PROPOSED AREA TO BE VACATED ON 06/22/09 INDEPENDENTLY FROM THE SCHEDULED TIME.

LET THE RECORD SHOW: THAT A PUBLIC HEARING WAS HELD THIS DATE AT 7:00 P.M. IN THE OFFICE OF THE BOARD OF COUNTY COMMISSIONERS, 101 EAST MAIN STREET, BATAVIA, OHIO 45103-2960 TO AFFORD PUBLIC COMMENT ON THE PROPOSED VACATION OF A TEN FOOT (10') WIDE EASEMENT FOR A FIVE FOOT (5') WALKWAY IN BUXTON MEADOWS SUBDIVISION/SECTION E IN BATAVIA TOWNSHIP.

*****THIS PUBLIC HEARING WAS RECORDED AND VIDEOTAPED AND EITHER/OR ARE AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M.*****

JUDITH KOCICA, CLERK OF THE BOARD, READ INTO THE RECORD THE NOTICE OF PUBLIC HEARING RELATIVE TO THE REQUEST TO VACATE A TEN FOOT (10') WIDE EASEMENT FOR A FIVE FOOT (5') WALKWAY IN BUXTON MEADOWS SUBDIVISION/SECTION E IN BATAVIA TOWNSHIP.

CRAIG RISNER, DEPUTY SURVEYOR, CLERMONT COUNTY ENGINEER'S OFFICE, PROVIDED AN OVERVIEW OF THE PROPOSED VACATION OF ALL OF A TEN FOOT (10') WIDE EASEMENT FOR A FIVE FOOT (5') WALKWAY BETWEEN LOT NUMBERS 30 AND 31 IN BUXTON MEADOWS SUBDIVISION/SECTION E IN BATAVIA TOWNSHIP AS RECORDED IN PLAT CABINET 3, PAGE 707 OF THE CLERMONT COUNTY RECORDER'S OFFICE. THE EASEMENT TO BE VACATED IS 144.88 FEET IN LENGTH. THE LEGAL DESCRIPTION IS COMPLETE AND ACCEPTABLE FOR VACATION PURPOSES. MR. RISNER STATED THAT IT IS BEING CONSIDERED AS AN UNIMPROVED PUBLIC EASEMENT. THE PROPOSED VACATION OF THIS EASEMENT WILL NOT AFFECT THE OHIO DEPARTMENT OF TRANSPORTATION'S ROAD MILEAGE REIMBURSEMENT OR CREATE ANY LANDLOCKED PARCELS. MR. RISNER ALSO ACKNOWLEDGED THAT THERE WERE 13 SIGNATURES ON THE PETITION IN FAVOR OF AND 125 SIGNATURES ON THE PETITION IN OPPOSITION TO THE PROPOSED VACATION.

PATRICK CLAYPOOL, WHO RESIDES WITH THE OWNER OF THE PROPERTY LOCATED AT 3923 GREENTREE TERRACE, ADDRESSED THE BOARD IN FAVOR OF THE PROPOSED VACATION OF THE EASEMENT. MR. CLAYPOOL STATED HIS CONCERNS WITH VANDALISM AND INCIDENTAL DAMAGES TO THE PROPERTY,

THE INCREASE IN THE USE OF THE WALKWAY AND THE LACK OF PRIVACY. CINDEE EVANS, PROPERTY OWNER OF 3923 GREENTREE, ALSO ADDRESSED THE BOARD IN FAVOR OF THE PROPOSED VACATION.

DON PETTY, 3914 GREENTREE TERRACE, AND SEVERAL OTHER RESIDENTS ADDRESSED THE BOARD IN OPPOSITION TO THE PROPOSED VACATION OF THE EASEMENT. THEIR PRIMARY CONCERN IS THE SAFETY OF THE CHILDREN, NOTING THAT SAFETY WAS A SELLING POINT WHEN THEY PURCHASED THEIR PROPERTIES. OTHER ISSUES WERE RAISED AS TO THE OVERCROWDING OF THE SCHOOL BUSES, BUSES NOT PROVIDED FOR TRANSPORTATION FOR AFTER-SCHOOL EXTRA-CURRICULAR ACTIVITIES, AND THAT ONLY 45-50 STUDENTS UTILIZE THE WALKWAY. SEVERAL RESIDENTS OFFERED THE SUGGESTION TO IMPROVE THE WALKWAY IF MATERIALS ARE DONATED LOCALLY AND/OR BY THE RESIDENTS.

HAVING NO FURTHER COMMENT TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION THEREOF, COMMISSIONER CROSWELL MOVED AND COMMISSIONER PROUD SECONDED TO CONCLUDE THE PUBLIC HEARING AT 7:31 P.M. LOCAL TIME CARRIED WITH ALL MEMBERS PRESENT VOTING AFFIRMATIVELY THEREON.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION DENYING THE PETITION TO VACATE A TEN FOOT (10') WIDE EASEMENT FOR A FIVE FOOT (5') WALKWAY IN BUXTON MEADOWS SUBDIVISION/SECTION E IN BATAVIA TOWNSHIP...09-0424-007...ADOPTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

That the Board of County Commissioners of Clermont County, Ohio, resolve to deny the petition submitted by Patrick Claypool, 3923 Greentree Terrace, Amelia, Ohio 45102 requesting to vacate all of a ten foot (10') wide easement for a five foot (5') walkway as it appears between lots 30 and 31 in Buxton Meadows Subdivision/Section E in Batavia Township and as recorded in Plat Cabinet 3, page 707 of the Clermont County Recorder's Office, subsequent to the public hearing held this date, hereby determining that the public convenience and welfare would not be best served by the vacation of the easement, inasmuch as the referenced easement was of record prior to development of said subdivision and prior to the sale of any lots within said subdivision, and further, that said easement is utilized for the purpose for which it was designated.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: COUNTY ENGINEER...AMENDMENT NUMBER 1 TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH SANTORO ENGINEERING COMPANY FOR PROJECT NUMBER BA-03-05 RELATIVE TO THE OLD SR 74 RELOCATION AND EXTENSION TO COLLEGE DRIVE PROJECT LOCATED IN BATAVIA TOWNSHIP...07-1016-003...EXECUTED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to execute Amendment Number 1 to the Contract for Professional Services by and between the County of Clermont, Ohio, and Santoro Engineering Company, 1501 Cincinnati-Batavia Road, Batavia, Ohio 45103, previously ratified by the Board

of County Commissioners on 10/24/07, for Project Number BA-03-05 relative to the Old SR 74 Relocation and Extension to College Drive Project located within Batavia Township, to provide additional services set forth in Exhibit 2 of the Contract for Professional Services, which represents an increase in the amount of \$16,500.00 for a total adjusted contract price to date of \$87,500.00, and an extension of time of 213 calendar days for a revised contract completion date of 08/01/09, pursuant to the terms and conditions specified therein and in compliance with the Local Public Authority (LPA) Federal Project Agreement with the Ohio Department of Transportation (ODOT) for Project Number CLE – Old SR 74 to College Drive Connector, ODOT Agreement Number 21584, PID Number 82761, with all other terms and conditions of the Contract for Professional Services to remain in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: COUNTY ENGINEER...REQUEST FOR A TEMPORARY DETOUR TO
THROUGH TRAFFIC ON EASTGATE SOUTH DRIVE IN UNION
TOWNSHIP...09-0617-005...APPROVED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to authorize a temporary detour to through traffic on Eastgate South Drive in Union Township on **Tuesday, 07/07/09 and Wednesday 07/08/09 from 7:00 P.M. to 6:00 A.M. Local Time**, for Project Number 621-0955 relative to the Glen-Este-Withamsville Road/Old St. Rt. 74 Water Main Replacement Project, with the understanding that the appropriate barriers and detour signs will be maintained during the afore stated temporary detour along an alternate route by the appropriate law enforcement agency therefore pursuant to Section 5543.17 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: COUNTY ENGINEER...THE WOODS AT MIAMI TRAILS SUBDIVISION
/SECTION11/BLOCK B/MIAMI TOWNSHIP...RELEASE OF A
COMBINED PERFORMANCE-MAINTENANCE BOND AND
ACCEPTANCE OF STREETS INTO THE MIAMI TOWNSHIP PUBLIC
ROAD SYSTEM...04-0114-003...APPROVED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to authorize the release of a Combined Performance-Maintenance Bond, for the following subdivision within Miami Township, and to accept the streets in the lengths stated situated therein as public roads for placement into the Miami Township Public Road System:

Subdivision	Performance/Maintenance	Streets/Length (miles)
The Woods At Miami Trails Section 11 Block B Miami Township	\$25,000.00/\$9,000.00	Cedar Drive Ext. (0.113) Trailwoods Drive Ext. (0.267)

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: CLERMONT TRANSPORTATION CONNECTION...AMENDMENT TO CONTRACT WITH TRANSPORTATION EQUIPMENT SALES CORPORATION FOR THE PURCHASE AND DELIVERY OF ONE (1) ADDITIONAL MEDIUM DUTY TRANSIT BUS...07-1206-002...EXECUTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Benjamin S. Capelle, Director, Clermont Transportation Connection, with the concurrence of David L. Spinney, County Administrator, to execute an Amendment to the Contract by and between the County of Clermont, Ohio, and Transportation Equipment Sales Corporation, 6401 Seaman Road, Oregon, Ohio 43616-7230, previously ratified by the Board of County Commissioners on 02/20/08 relative to the purchase and delivery of five (5) medium duty transit buses for the Clermont Transportation Connection, for the purchase and delivery of one (1) additional medium duty transit bus, in concert with Section 1/Article 33 of the bid specifications and incorporated as if same were fully rewritten into the contract documents therefore, in the amount of \$103,537 for the Base Vehicle, \$8,072.00 for the TELMA Option and \$810.00 for the Aluminum Wheel Option, for a total amount not to exceed \$112,419.00, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: OFFICE OF TECHNOLOGY, COMMUNICATIONS AND SECURITY... GRANT APPLICATION FOR RECOVERY ACT – ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS THROUGH THE U.S. DEPARTMENT OF ENERGY, NATIONAL ENERGY TECHNOLOGY LABORATORY...09-0619-001...APPROVED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, Director, Office of Technology, Communications and Security, with the concurrence of David L. Spinney, County Administrator, to authorize Stephen H. Rabolt to execute the required forms and submit the Grant Application for Recovery Act – Energy Efficiency and Conservation Block Grants – Formula Grants through the U.S. Department of Energy, National Energy Technology Laboratory, at the formula grant amount of \$783,700 with no local match required, for the purpose of developing programs and projects that will provide substantial, sustainable and measurable energy savings, job creation, and economic stimulus effects as outlined in The American Recovery and Reinvestment Act of 2009.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: DEPARTMENT OF PUBLIC SAFETY SERVICES/EMERGENCY MANAGEMENT AGENCY...GRANT APPLICATION FOR FUNDING THROUGH THE OHIO EMERGENCY MANAGEMENT AGENCY FOR THE FISCAL YEAR 2009 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM AND SPECIAL PROJECTS PROGRAM AND AUTHORIZATION TO EXECUTE THE GRANT AGREEMENT RELATIVE THERETO...09-0612-001...RATIFIED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, Director, Office of Technology, Communications and Security, with the concurrence of David L. Spinney, County Administrator, to approve the execution and submittal of a Grant Application to the Ohio Emergency Management Agency (OEMA), a division of the Ohio Department of Public Safety, 2855 West Dublin-Granville Road, Columbus, Ohio 43235-2206 for the Fiscal Year 2009 Emergency Management Performance Grant (EMPG) Program from the U.S. Department of Homeland Security, Office for Domestic Preparedness in the amount of \$84,369.00 with the required local match of \$84,369.00 to be provided from the Clermont County Emergency Management Fund, for a total program budget amount of \$168,738.00 for the operation of the Clermont County Emergency Management Agency; to authorize Elizabeth Nevel, Director, Department of Public Safety Services, to execute the Grant Agreement and to administer the Fiscal Year 2009 EMPG Program relative thereto, effective for the performance period of 10/01/08 through 06/30/10, pursuant to and in compliance with the terms and conditions set forth therein; and further, to approve the request for additional funding from the 2009 EMPG Special Projects Program set forth in the aforesated Grant Application to supplement the construction of the new Emergency Operations Center in the amount of \$250,000.00 with the required local match of \$250,000.00 to be provided from the Clermont County Capital Project Emergency Communications Fund, for a total 2009 EMPG Special Projects Program budget amount of \$500,000.00.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT
 ...RELEASE OF A MAINTENANCE BOND AS SURETY FOR THE
 INSTALLATION OF A SEWER MAIN EXTENSION AND ACCEPTANCE
 OF SAME INTO THE COUNTY SEWER SYSTEM...APPROVED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Lyle G. Bloom, P.E., Sanitary Engineer, with the concurrence of Thomas C. Yeager, Director of Utilities, Clermont County Water Resources Department, to authorize the release of a Maintenance Bond which provided surety for the installation of a sewer main extension to serve the following Subdivision and to accept said sewer main extension into the County Sewer System pursuant to the Clermont County Water Resources Department Rules and Regulations:

Subdivision	Township	Sewer Bond
Glenwood Trails Subdivision Section 2A DC# 08-0118-005 *Secured by Irrevocable Standby Letter of Credit Number 005771, dated 01/04/08, issued by The Huntington National Bank, International Operations – MA 1200, 17 South High Street, Columbus, Ohio 43215	Batavia	\$2,000.00*

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
 EXECUTION OF CONTRACT WITH UTTER CONTRUCTION, INC.
 FOR MAINTENANCE AND REPAIR OF WATER DISTRIBUTION
 AND/OR WASTEWATER COLLECTION SYSTEMS AND
 APPURTENANCES FOR BID ITEM SIX...09-0522-001...EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen L. Knipp, Assistant Director of Operations, with the concurrence of Thomas C. Yeager, Director of Utilities, Clermont County Water Resources Department, to execute the Contract by and between the County of Clermont, Ohio, and Utter Construction, Inc., 779 Prather Road, Felicity, Ohio 45120 for the Maintenance and Repair of Water Distribution and/or Wastewater Collection Systems and Appurtenances for Bid Item 6A and Alternate Bid Item 6B, at the unit prices as outlined in their bid submitted 04/09/09 for a total estimated amount of \$97,012.00 and further to accept a Bid Guaranty and Contract Bond in the amount of \$97,012.00 as surety for the faithful performance of all things to be done under the contract effective upon execution for a period of one year thereafter pursuant to and in compliance with the terms and conditions set forth therein and the award of bid therefore on 06/03/09.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...DESIGNATION OF AN ALTERNATE MEMBER TO SERVE ON THE WEAPONS OF MASS DESTRUCTION/TERRORISM ADVISORY TEAM...03-0519-001...DESIGNATED

Moved by Mr. Croswell, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation to designate Robert L. Proud, Board of County Commissioners, Clermont County, Ohio, to serve as an alternate member on the Weapons of Mass Destruction/Terrorism Advisory Team (WMD/TAT) for Edwin H. Humphrey, previously approved by the Board to serve on the WMD/TAT on 11/18/08, with said alternate appointment effective 06/22/09.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Humphrey, Aye; Mr. Proud, AYE.

IN RE: BOARD OF COUNTY COMMISSIONERS...DESIGNATION OF APPOINTMENT TO THE CLERMONT COUNTY ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES BOARD...09-0618-004...APPOINTED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Karen Scherra, Executive Director, Clermont County Mental Health and Recovery Board, with the concurrence of David L. Spinney, County Administrator, to appoint Molly Greer, 1803 Clough Pike, Batavia, Ohio 45103 to serve on the Clermont County Alcohol, Drug Addiction and Mental Health Services Board, to succeed Ashley Berg Thompson, for the term of 07/01/09 through 06/30/13, pursuant to Section 340.02 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 129-09/RESOLUTION AUTHORIZING COUNTY PARTICIPATION IN THE OHIO VALLEY REGIONAL DEVELOPMENT COMMISSION (OVRDC) FOR FISCAL YEAR 2010...09-0615-001...ADOPTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to adopt Resolution Number **129-09** resolving to endorse the 2009 Comprehensive Economic Development Strategy (CEDS) prepared by the Ohio Valley Regional Development Commission (OVRDC) and resolving to authorize the County of Clermont, Ohio, to participate in the Ohio Valley Regional Development Commission for Fiscal Year 2010 and to remit the sum of \$33,215.00 which represents the participatory share of funding from the County of Clermont, Ohio, relative thereto on or after 01/01/10 and further resolving to support the Ohio Valley Regional Development Commission's *Economic Development District Planning Partnership Investment Grant Program Application* with the United States Department of Commerce Economic Development Administration for planning grant funds for the annual performance period 01/01/10 through 12/31/10.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

LET THE RECORD SHOW: A MOTION BY MR. PROUD, SECONDED BY MR. CROSWELL, TO GO INTO EXECUTIVE SESSION AT 7:48 P.M. PURSUANT TO SECTIONS 121.22(G)(1) and 121.22(G)(3) OF THE OHIO REVISED CODE TO CONSIDER THE APPOINTMENT OF A PUBLIC EMPLOYEE AND TO CONFER WITH THE PROSECUTING ATTORNEY REGARDING PENDING LITIGATION CARRIED WITH ALL MEMBERS VOTING AFFIRMATIVELY THEREON.

LET THE RECORD SHOW: THE EXECUTIVE SESSION CONCLUDED AND REGULAR SESSION RESUMED AT 8:12 P.M. WITH NO ACTION TAKEN.

LET THE RECORD SHOW: That a motion by Mr. Proud, seconded by Mr. Croswell, to approve the minutes of Regular Session of **06/22/09** carried with all members present voting affirmatively thereon.

LET THE RECORD SHOW: That the President of the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 8:12 P.M.

**BOARD OF COUNTY COMMISSIONERS
CLERMONT COUNTY, OHIO**

**EDWIN H. HUMPHREY, PRESIDENT
ROBERT L. PROUD, VICE PRESIDENT
R. SCOTT CROSWELL III, MEMBER**

JUDITH KOCICA, CLERK OF THE BOARD

DATE APPROVED – 06/22/09